

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
	)	
<b>v.</b>	)	<b>CRIMINAL No. 2:10-CR-136-DBH-04</b>
	)	
<b>SASHA PHILLIPS,</b>	)	
	)	
<b>DEFENDANT</b>	)	

**ORDER ON DEFENDANT’S MOTION TO REDUCE SENTENCE**

The defendant’s motion to reduce sentence is **DENIED**.

1. Her first ground is based upon the U.S. Senate Judiciary Committee’s passage on January 30, 2014, of S1410, the Smarter Sentencing Act. Passage of a bill by a Senate Committee does not make it law.

2. The defendant asks that I exercise discretion under United States v. Booker, 543 U.S. 220 (2005). I already did so when I sentenced her on February 1, 2012 outside the advisory Guideline range. To the extent that she is suggesting that Booker gives me authority to reduce her sentence now on the likelihood that Congress will pass the Smarter Sentencing Act in the future, I decline to speculate what Congress will do.

3. She asks me to apply Alleyne v. United States, 133 S. Ct. 2151 (2013), retroactively. However, the law in this District is that Alleyne does not apply retroactively. United States v. Reynoso, 2014 WL 185333, \*5 (D. Me. January 15, 2014). In any event, this defendant was not sentenced to a

mandatory minimum because she qualified for the safety valve treatment under the guideline provision and the statutory provision. See 18 U.S.C. § 3553(f); U.S.S.G. § 5C1.2(a).

4. Bureau of Prisons plans for FCI Danbury do not furnish grounds for a district judge to reduce a sentence already imposed.

**SO ORDERED.**

**DATED THIS 10<sup>TH</sup> DAY OF FEBRUARY, 2014**

/s/D. BROCK HORNBY  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**